IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 7489 of 2007(N)

PETITIONER:

RENCHU R., W/O.P.SURESH, MAMKOOTTATHIL HOUSE, MEZHUVELI, PATHANAMTHITTA (HIGH SCHOOL ASSISTANT (MATHS)(RETRECHED) PADMANABHODAYAM HIGHER SECONDARY SCHOOL, MEZHUVELI,PATHANAMTHITTA)

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:
----

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF GEBERAL EDUCATION, GOVERNMENT SECRETRIAT,THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTION, OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, PATHANAMTHITTA AT THIRUVALLA.**

4. **THE DISTRICT EDUCATIONAL OFFICER, OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, THIRUVALLA.**

5. **DISTRICT EDUCATIONAL OFFICER, OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, CHAVAKAD.**

6. **THE CORPORATE MANAGER, SN TRUST SCHOOLS, KOLLAM.**

R1 TO R5 BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 7489 OF 2007 N

Dated this the 6th March, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner was appointed to a sanctioned post of HSA (Maths). Subsequently, she was transferred from PHSS, Mezhuveli to another School. It was on account of division fall. By Ext.P6, her appointment was approved from 8.6.2001 to 10.6.2002 only. She became a qualified Rule 51A claimant. Pursuant to Ext.P2 order, she was posted in the SNT Higher Secondary School, Nattika, Thrissur as HSA (Maths) from 15.7.2002 to 24.6.2003. The papers relating to her appointment have to be approved by fifth respondent. But, it is not so done. According to petitioner, several other juniors are working and drawing salary and allowances as HSA (Maths). Petitioner has submitted Exts.P8 and P9 representations. According to petitioner, the conduct of sixth respondent, Corporate Manager

in inducting fresh hands overlooking the superior claim of petitioner is sufficient to initiate disqualification proceedings under Rule 7 Chapter III KER.

2. Learned Government Pleader points out that the question relating to approval for the period from 15.7.2002 to 24.6.2003, is a matter to be considered by fifth respondent, provided the Manager submits proper documents as required. In such circumstances, the Writ Petition is disposed of as follows:

There will be a direction to the fifth respondent to consider the question relating to approval of the alleged appointment of petitioner for the period from 15.7.2002 to 24.6.2003 with notice to petitioner and sixth respondent and take a decision thereon in accordance with law, within a period of six weeks from the date of receipt of a copy of this Judgment. There will be a further direction to the second respondent to consider and take a decision on Ext.P8 in regard to the alleged appointment of

fresh hands/juniors in violation of law, with notice to the petitioner, 6th respondent and all the affected parties, within a period of two months from the date of receipt of a copy of this Judgment. I leave open the contentions of petitioner.

K. M. JOSEPH, JUDGE

kbk.